

April 5, 2018

PIN 18-04-CCP

TO: ALL CHILD CARE FACILITY LICENSEES

FROM: *Original signed by Pamela Dickfoss*  
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Community Care Licensing Division

SUBJECT: **2017 CHAPTERED LEGISLATION AFFECTING CHILD CARE  
FACILITIES: SUMMARY AND IMPLEMENTATION**

**Provider Information Notice (PIN) Summary**

PIN 18-04-CCP provides a summary and implementation information for legislation chaptered in 2017 affecting Child Care Facilities. Statutes referenced in this document are operative on January 1, 2018.

**“ACTION REQUIRED”**

BILL INFORMATION	SUBJECT	PAGE
<a href="#">Assembly Bill 752</a> (Rubio), Chapter 708, Statutes of 2017	<b>Child Care: state preschool programs: expulsion.</b> Added section <a href="#">1596.893c</a> to the Health and Safety Code to require licensing staff to consider the steps the licensee has taken to maintain a child’s safe participation in the preschool program prior to determining whether or not to issue a citation and/or impose a civil penalty, in situations relating to children with serious and challenging behavior.	<a href="#">2</a>

"INFORMATION ONLY – NO ACTION REQUIRED"		
BILL INFORMATION	SUBJECT	PAGE
<a href="#">Senate Bill 401</a> (Pan), Chapter 235, Statutes of 2017	<b>Child Care Facilities: state employees.</b> Amended section <a href="#">4560</a> of the Government Code to remove the indoor space limitation for child care centers in state office buildings.	<a href="#">3</a>
<a href="#">Senate Bill 420</a> (Monning), Chapter 333, Statutes of 2017	<b>State summary criminal history information: sentencing information.</b> Amended section <a href="#">11105</a> of the Penal Code to clarify that the California Department of Justice must provide sentencing information as part of the criminal history information disseminated to the California Department of Social Services.	<a href="#">3</a>

### **Assembly Bill 752 (Rubio), Chapter 708, Statutes of 2017**

Effective January 1, 2018, California State Preschool Programs licensed by the Department of Social Services and contracted through the California Department of Education (CDE) must complete a documented process for children exhibiting persistent and serious challenging behaviors as directed by Education Code Section [8239.1](#). The Licensing Program Analyst (LPA) will review and consider this process prior to the issuance of a deficiency.

The requirements of the Education Code instruct facilities contracted through CDE to document and pursue reasonable steps to maintain a child's safe participation in the program if they are exhibiting persistent and serious challenging behavior. The child's parents should be informed of the behavior and consultation should be sought with the parents or legal guardians, teachers, and any other essential entities.

If the child has an Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP), the facility must obtain parental consent before contacting the agency responsible for the plan to seek consultation on serving the child. If no IFSP or IEP exists, the facility will determine if it is appropriate to complete a universal screening of the child.

The Education Code specifies that any facility contracting with CDE cannot expel or unenroll a child due to their behavior unless they have promptly documented and pursued reasonable steps to continue providing care while maintaining the child's safe participation in the program. If the child's behavior presents a serious safety threat to the child or other children enrolled, the facility will refer the parents or legal guardians to other potentially appropriate placements, the local resource and referral agency, or any other local referral service prior to unenrollment.

### **Implementation**

The LPA, prior to citing a deficiency for an incident related to a child's persistent and challenging behavior, will review the steps taken by the facility in addressing this behavior and determine whether the facilities' response was appropriate. Upon review of the facilities' documented response, the LPA will determine whether a violation of California Code of Regulations, Title 22, Division 12 or Health and Safety Code has taken place and whether the situation warrants a consultation, citation or civil penalty.

### **Senate Bill 401 (Pan), Chapter 235, Statutes of 2017**

Prior to the passage of this bill and approval by the Governor, Government Code section [4560\(f\)](#) limited day care centers operating in state owned office buildings with over 700 employees to a maximum of 2,100 square feet. As a consequence of this limitation, these centers could only provide care to a maximum of 60 children based upon the 35 square feet of indoor activity space per child set forth in Title 22, California Code of Regulations, section 101238.3(a). SB 401 amended Government Code section 4560(f) to remove the 2,100 square feet restriction placed on child care facilities located in these state office buildings. Section 4560(f) now only requires that the indoor activity space and outdoor activity space comply with requirements set forth in, Title 22, Division 12 of the California Code of Regulations.

### **Implementation:**

Information only. No Action required.

### **Senate Bill 420 (Monning), Chapter 333, Statutes of 2017**

[Senate Bill 420](#) amended Penal Code section [11105](#), which affected all facility types licensed by the Community Care Licensing Division, to clarify that the California Department of Justice must provide sentencing information as part of the criminal history information disseminated to CDSS.

### **Implementation:**

Information only. No action required.